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UNCLAS SECTION 01 OF 03 PHNOM PENH 000413

SENSITIVE
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STATE FOR EAP/MLS, P, D, DRL

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TAGS: [PGOV](#) [PHUM](#) [PREL](#) [KJUS](#) [CB](#)
SUBJECT: NATIONAL ASSEMBLY SUSPENDS MU SOCHUA'S IMMUNITY;
OBSERVERS DENIED ENTRY TO SESSION

REF: PHNOM PENH 387

SENSITIVE BUT UNCLASSIFIED

¶1. (SBU) SUMMARY: The Cambodian National Assembly voted on June 22 to suspend the parliamentary immunity of Sam Rainsy Party (SRP) MP Mu Sochua, clearing the way for her to be questioned and possibly prosecuted for defamation under the complaint by Prime Minister Hun Sen. Security guards blocked all access to the observer gallery, where diplomats, press, and civil society can usually watch sessions underway. Diplomats from several embassies were denied entry to the National Assembly building, despite having observer passes and having requested permission to attend from the Secretary-General of the National Assembly. Without warning, the National Assembly also suspended the parliamentary immunity for another SRP lawmaker, Ho Vann, during the morning's first session. Mu plans to depart Cambodia the evening of June 22 for a previously scheduled speaking engagement in the U.S. She has made public her intent to return July 6. The Embassy will monitor her departure at the airport. END SUMMARY.

Suspension of Immunity

¶2. (SBU) On the morning of June 22, the National Assembly voted to suspend the immunity of SRP lawmakers Mu Sochua and Ho Vann. In a session closed to observers, all Cambodian People's Party members, plus one FUNCINPEC and two Norodom Ranariddh Party members, voted first to add the issue of Ho Vann's immunity to the agenda, and then to vote by show of hands on the suspension of immunity for both SRP lawmakers. At that point, all SRP members walked out of the session. The vote continued without them, with the Assembly voting to suspend the immunity of both lawmakers. National Assembly spokesperson Cheam Yeap stated that there were 90 votes in favor of lifting Mu Sochua's immunity (87 CPP, 1 FUNCINPEC, 2 NRP), and 91 votes in favor of lifting Ho Vann's immunity (88 CPP, 1 FUNCINPEC, 2 NRP). There were no votes against either motion. Cheam Yeap made this statement to the media, but would not take questions.

¶3. (SBU) The Prime Minister did not attend the June 22 session - he was presiding over provincial inauguration ceremonies in Kandal province. Following the votes, Hun Sen commented publicly on the vote tallies, and warned that there should be no "chaotic" foreign interference in the issue of suspension of parliamentary immunity. One FUNCINPEC MP present at the National Assembly session told us that the Prime Minister was calling the Secretary-General of the National Assembly every three minutes for an update on the voting during the morning session.

¶4. (SBU) As the vote played out inside, diplomats from four foreign missions attempted to gain access to the observation

gallery of the National Assembly. Per usual policy, the officers all had observer passes granted by the National Assembly, and several, including the AmEmbassy, had sent letters to the Secretary-General requesting permission to attend the June 22 session. Despite this, security guards barred entry to the building. Upon further questioning, one guard admitted to Poloff that the Secretary-General ordered guards to block access to the building by any outsiders, including press, civil society, or members of the diplomatic corps. A small group of senior diplomats from the American, French, and British Embassies, along with the German Ambassador, negotiated with the guards at the gate sometime later, but were still denied access to the building.

15. (SBU) Nanda Pok, executive director of the NGO Women for Prosperity, told Poloff that she obtained an observer pass to attend the session from the Committee for Free and Fair Elections in Cambodia (COMFREL), which keeps a standing list of observers for the National Assembly. She arrived around 7:45 a.m., entering the National Assembly building in conversation with a lawmaker, and was able to stand outside the Assembly chamber during her conversation. When the lawmaker went inside the chamber, Ms. Pok attempted to climb the stairs to the observer gallery, but guards asked her to return outside and would not let her enter further. She said when she pressed for an explanation, the guards were very polite, but begged her to go back outside because they had been instructed to keep outsiders away from the session.

Gloves Are Off

PHNOM PENH 00000413 002.6 OF 003

16. (SBU) Contradicting the RGC's strategy up until now, the Prime Minister's defamation complaint against Mu Sochua accelerated rapidly and publicly in recent days. On June 15, The Permanent Committee of the National Assembly discussed the procedure for suspending Mu's immunity, and then added the issue to the June 22 agenda, the first full National Assembly session after its summer recess. On June 17, the Prime Minister publicly lashed out at Mu. On June 18, the National Assembly announced it would move up consideration of Mu's immunity to the June 19 agenda - but another agenda item took all available time; it became the first agenda item for consideration on the June 22 agenda. While several international and civil society observers were present on June 19, and international interest in the case is well known, there was no announcement made that the June 22 session would be closed to observers.

17. (SBU) In his June 17 speech to graduates of the Royal School of Administration in Phnom Penh, Hun Sen said lifting parliamentary immunity was a fairly easy thing, but restoring it might be impossible. Both actions require a two-thirds majority vote of the National Assembly, which the Prime Minister controls through the CPP's dominating presence in the legislative body. Hun Sen declared that some CPP lawmakers had already said they would not vote to restore Mu's immunity, regardless of the resolution of the defamation complaint in court. He suggested the SRP replace Mu with a new person.

18. (SBU) Following the vote on June 22, Sam Rainsy issued a statement saying the SRP would not replace Mu Sochua, and that her seat would remain hers through the end of her legal term. He said that replacing her "would be like politically burying her alive and complying with Hun Sen's insane desire."

Ho Vann

19. (SBU) Ho Vann has been the subject of another among the

recent spate of defamation and disinformation lawsuits filed in Cambodia. The lawmaker reportedly reacted to the announcement that a group of 22 RCAF officers had received honorary degrees from a Vietnamese military college by calling the degrees "worthless." Almost immediately thereafter, Ho Vann published a clarification in several daily newspapers, claiming that he had been misquoted and that he believed the degrees did have value if the officers combined their military-science training with moral training.

But the Government filed a defamation and disinformation lawsuit against him on behalf of the RCAF officers anyway. Ho Vann appeared in court on June 5 to explain his version of events to the case prosecutor, and on June 11 his lawyer (who is also Mu Sochua's lawyer) announced that they were meeting with the prosecutor to "fix the misunderstanding."

¶10. (SBU) It came as a shock to Ho Vann when the National Assembly added his case to the agenda and then stripped his parliamentary immunity on June 22. The SRP lawmakers who walked out of the National Assembly session held an impromptu press gathering on the street outside, wearing medical face masks with large, black Xs printed over their mouths. Ho Vann said that he received no advance notification that his case was to be considered during the Assembly session, and said he was very surprised. Another SRP member complained the CPP "acted in s ecret" to move against Ho Vann.

COMMENT

¶11. (SBU) According to some lawmakers, there was hope that the voting on the immunity questions would be done by secret ballot, so that those inclined to dissent would be able to do so privately. With the decision to vote by show of hands, that hope disappeared. The final vote tallies reflect the lack of autonomy for individual Members of Parliament. Post is particularly concerned about Ho Vann's case because with military plaintiffs, Ho Vann could be detained by military police rather than civilian police. The last SRP lawmaker held in military prison, Cheam Channy, was reportedly held in harsh conditions during his imprisonment. Mu Sochua is scheduled to depart Phnom Penh the night of June 22 for a previously scheduled speaking engagement in the U.S. She is an American citizen; the Embassy intends to monitor from a distance her departure at the airport to mitigate any problems that may arise as a result of today's actions.

PHNOM PENH 00000413 003 OF 003

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